

United States District Court
for the
Eastern District of New York

ONEWEST BANK, N.A.

Plaintiff,

v.

MARCO RUIZ; MERCEDES RUIZ; PNC
BANK, NATIONAL ASSOCIATION
SUCCESSOR BY MERGER TO
NATIONAL CITY BANK; NEW YORK
CITY PARKING VIOLATIONS BUREAU;
NEW YORK CITY ENVIRONMENTAL
CONTROL BOARD; NEW YORK CITY
TRANSIT ADJUDICATION BUREAU;
MR. ARTINEZ; MARIA COLON;
MONICA LOPEZ

Defendants.

Civil Action No. 14-cv-3207

REQUEST FOR CERTIFICATE
OF DEFAULT

TO: DOUGLAS C. PALMER
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Please enter the default of defendants, Marco Ruiz; Mercedes Ruiz; PNC Bank, National Association successor by merger to National City Bank; New York City Parking Violations Bureau; New York City Environmental Control Board; New York City Transit Adjudication Bureau; Mr. Artinez; Maria Colon; and Monica Lopez, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend this action as fully appears from the court file herein and from the attached affirmation of Keith R. Young, Esq.

Dated: Williamsville, New York
January 20, 2015

By: /s/ Keith R. Young

Keith R. Young, Esq.
Gross Polowy, LLC
Attorneys for Plaintiff
1775 Wehrle Drive, Suite 100
Williamsville, NY 14221
Tel.: 716-204-1700

United States District Court
for the
Eastern District of New York

ONEWEST BANK, N.A.

Plaintiff,

v.

MARCO RUIZ; MERCEDES RUIZ; PNC
BANK, NATIONAL ASSOCIATION
SUCCESSOR BY MERGER TO
NATIONAL CITY BANK; NEW YORK
CITY PARKING VIOLATIONS BUREAU;
NEW YORK CITY ENVIRONMENTAL
CONTROL BOARD; NEW YORK CITY
TRANSIT ADJUDICATION BUREAU;
MR. ARTINEZ; MARIA COLON;
MONICA LOPEZ

Defendants.

Civil Action No. 14-cv-3207

AFFIRMATION IN SUPPORT
OF REQUEST FOR
CERTIFICATE OF DEFAULT

Keith R. Young, Esq. hereby declares as follows:

1. I am affiliated with the law firm of Gross Polowy, LLC, attorneys for Plaintiff OneWest Bank, N.A. (“OneWest” or “Plaintiff”) in this action. As such, I am familiar with the facts, court papers, and proceedings of this action and I submit this affirmation pursuant to Rule 55(a) of the Federal Rules of Civil Procedure in support of Plaintiff’s request for a certificate of default against defendants Marco Ruiz; Mercedes Ruiz; PNC Bank, National Association successor by merger to National City Bank; New York City Parking Violations Bureau; New York City Environmental Control Board; New York City Transit Adjudication Bureau; Mr. Artinez; Maria Colon; and Monica Lopez.

2. This action to foreclose a mortgage was commenced pursuant to Article 13 of the Real Property Actions and Proceedings Law and it seeks to recover from defendants Marco Ruiz and Mercedes Ruiz, as mortgagors, the indebtedness secured by a mortgage, which mortgage is owned by Plaintiff.

3. Pursuant to the Federal Rules of Civil Procedure Rule 4(e), defendants Marco Ruiz, Mercedes Ruiz, Mr. Artinez, Maria Colon, Monica Lopez and New York City Transit Adjudication Bureau were properly served with a copy of the Summons, Complaint and Certificate of Merit on May 22, 2014; defendants New York City Environmental Control Board and New York City Parking Violations Bureau were, likewise, properly served with a copy of the Summons, Complaint, and Certificate of Merit on June 3, 2014; and defendant PNC Bank, National Association successor by merger to National City Bank was, likewise, properly served with a copy of the Summons, Complaint, and Certificate of Merit on June 5, 2014.

Defendants Mr. Artinez, Maria Colon and Monica Lopez were properly served with a copy of the Summons and Amended Complaint on October 7, 2014 and defendants Marco Ruiz, Mercedes Ruiz, New York City Transit Adjudication Bureau, New York City Environmental Control Board, New York City Parking Violations Bureau, and PNC Bank, National Association successor by merger to National City Bank were, likewise, properly served with a copy of the Amended Complaint on October 15, 2014. Copies of the Affidavits of Service are collectively attached hereto as Exhibit A.

4. The time for the defendants to answer or otherwise move with respect to the Complaint has herein expired.

5. The defendants have not answered or otherwise moved with respect to the Complaint, and the time for the defendants to answer or otherwise move has not been extended.

6. The defendants are not infants or incompetents and they are not presently in the military service of the United States as appears from facts in this litigation. No defendant is an absentee.

7. The defendants are indebted to Plaintiff in the following manner: a) on or about July 23, 2007, Marco Ruiz and Mercedes Ruiz executed and delivered a promissory note ("Note"), evidencing a loan, and mortgage ("Mortgage"), securing the loan, to IndyMac Bank, F.S.B., which said Mortgage and Note were assigned to Plaintiff on July 9, 2012; b) pursuant to the Note and Mortgage, Marco Ruiz and Mercedes Ruiz are obligated to make monthly installment payments of principal and interest and Plaintiff has the right to accelerate the entire principal amount outstanding and accrued interest if any installment is not made when due; c) Marco Ruiz and Mercedes Ruiz defaulted under the terms of the Note and Mortgage by failing to pay the installment due on December 1, 2010, and further failing to pay all sums due thereafter; d) Plaintiff has elected to exercise its right to accelerate the principal by filing the Summons and Complaint, therefore; e) as of January 6, 2015, the amount due and owing pursuant to the Note and Mortgage was \$585, 296.94, including unpaid principal balance, interest, accumulated late charges, and recoverable balance.

WHEREFORE, Plaintiff requests that the default of the defendants Marco Ruiz; Mercedes Ruiz; PNC Bank, National Association successor by merger to National City Bank; New York City Parking Violations Bureau; New York City Environmental Control Board; New York City Transit Adjudication Bureau; Mr. Artinez; Maria Colon; and Monica Lopez be noted and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to Plaintiff, and that no part thereof has been paid.

Dated: Williamsville, New York
January 20, 2015

By: /s/ Keith R. Young

Keith R. Young, Esq.
Gross Polowy, LLC
Attorneys for Plaintiff
1775 Wehrle Drive, Suite 100
Williamsville, NY 14221
Tel.: 716-204-1700

Exhibit A

UNITED STATES DISTRICT COURT OF NEW YORK
EASTERN DISTRICT

AFFIDAVIT OF SERVICE

2279238

Index no :1:14-CV-03207-SLT-RLM

Plaintiff(s):	ONEWEST BANK, NA
Defendant(s):	MARCO RUIZ, ET AL

STATE OF NEW YORK
COUNTY OF SUFFOLK ss.:

John Downs, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the STATE OF NEW YORK.

On 06/11/2014 at 3:24 PM, I served the within 1303 NOTICE-Help for Homeowners in Foreclosure in bold fourteen-point type and printed on colored paper, and the title to the notice printed in twenty-point type in compliance with RPAPL Sect 1303.; DEBT VALIDATION LETTER; CERTIFICATE OF MERIT; SUMMONS IN A CIVIL ACTION AND COMPLAINT Bearing Index Number 1:14-CV-03207-SLT-RLM and date of filing of 05/22/2014 on MERCEDES RUIZ at 30 NEWBURGH ST, ELMONT, NY 11003 in the manner indicated below:

SUITABLE AGE: By delivering a true copy of said documents to **MARIA RUIZ, MOTHER-IN-LAW**, a person of suitable age and discretion. Said premises is **defendant's** place of residence within the state.

On 06/12/2014, deponent enclosed a copy of above mentioned documents to **MERCEDES RUIZ** at said **defendant's** Place of Residence, at 30 NEWBURGH ST, ELMONT, NY ,11003 in a 1st Class postpaid properly addressed envelope not indicating that the mailing was from an attorney or concerned legal action and marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office.

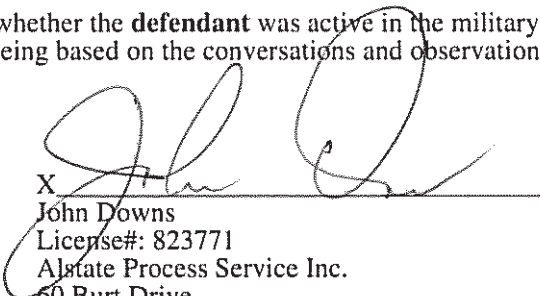
Comments: **BRICK AND WHITE SIDED RESIDENCE**

A description of the **defendant**, or other person served on behalf of the **defendant** is as follows:

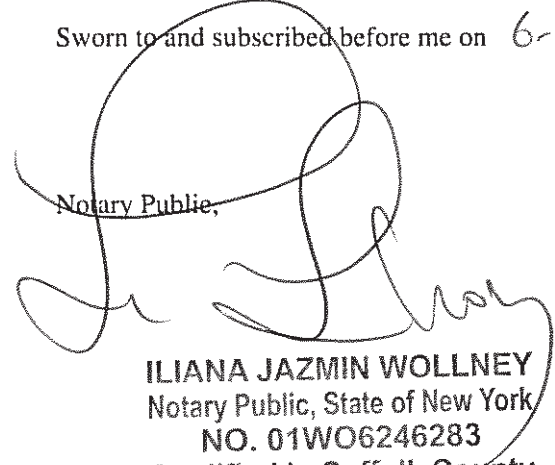
Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	Tan	Brown	48	5ft - 5ft3in	100-124lbs
Other Features: ACCENT					

Your deponent asked the above mentioned recipient whether the **defendant** was active in the military service and received a negative reply. Upon information and belief I have; being based on the conversations and observations above narrated, **defendant** is not active in the military service.

Sworn to and subscribed before me on 6-13-14

X 
 John Downs
 License#: 823771
 Alstate Process Service Inc.
 60 Burt Drive
 Deer Park, NY 11729
 631/667-1800

Notary Public,


ILIANA JAZMIN WOLLNEY
 Notary Public, State of New York
 NO. 01WO6246283
 Qualified in Suffolk County
 Commission Expires Aug. 8, 2015

GROSS POLOWY, LLC (F)
 25 NORTHPOINTE PARKWAY
 AMHERST, NY 14228
 716/204-1700

Atty File#: 300421 ALS



2279238



**UNITED STATES
POSTAL SERVICE**

**Certificate Of
Mailing**

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing.
This form may be used for domestic and international mail.

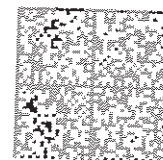
FROM:

ALSTATE
60 BURT DRIVE
DEER PARK, NY 11729

JD

TO:

MERCEDES RUIZ,
30 NEWBURGH ST ,
ELMONT, NY 11003



U.S. POSTAGE® PITNEY BOWES
ZIP 11729 \$ 001.30⁰
02 IN
0001391861 JUN 12 2014





2279238

Affidavit of Service by Mail
PURSUANT TO CPLR 3215

UNITED STATES DISTRICT COURT OF NEW YORK
EASTERN DISTRICT

ONEWEST BANK, NA

-against-

MARCO RUIZ, ET AL

Att File: 300421 ALS
Internal Id: 2279238
Index: 1:14-CV-03207-SLT-RLM
S & C Filed: 05/22/2014

State of New York
County of Suffolk ss.:

John Downs being duly sworn, deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the State of New York.

That on **June 12, 2014** Deponent mailed a copy of the **SUMMONS and 1303 Notice** in this action on those defendants listed below by first class mail in an envelope bearing the legend "personal and confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt.

Defendant(s): **MERCEDES RUIZ**
30 NEWBURGH ST , ELMONT, NY 11003

Said mailing(s) was made to the Defendant(s) place of residence.

The foregoing statements are true, under penalty of perjury.

Sworn to before me on : 6-13-14

ILIANA JAZMIN WOLLNEY
Notary Public, State of New York
NO. 01WO6246283
Qualified in Suffolk County
Commission Expires Aug. 8, 2015

John Downs

UNITED STATES DISTRICT COURT OF NEW YORK
EASTERN DISTRICT

AFFIDAVIT OF SERVICE

2279234

Index no :1:14-CV-03207-SLT-RLM

Plaintiff(s):	ONEWEST BANK, NA
Defendant(s):	MARCO RUIZ, ET AL

STATE OF NEW YORK
COUNTY OF SUFFOLK ss.:

John Downs, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the STATE OF NEW YORK.

On 06/11/2014 at 3:24 PM, I served the within 1303 NOTICE-Help for Homeowners in Foreclosure in bold fourteen-point type and printed on colored paper, and the title to the notice printed in twenty-point type in compliance with RPAPL Sect 1303.; DEBT VALIDATION LETTER; CERTIFICATE OF MERIT; SUMMONS IN A CIVIL ACTION AND COMPLAINT Bearing Index Number 1:14-CV-03207-SLT-RLM and date of filing of 05/22/2014 on MARCO RUIZ at 30 NEWBURGH ST, ELMONT, NY 11003 in the manner indicated below:

SUITABLE AGE: By delivering a true copy of said documents to **MARIA RUIZ, MOTHER**, a person of suitable age and discretion. Said premises is **defendant's** place of residence within the state.

On 06/12/2014, deponent enclosed a copy of above mentioned documents to **MARCO RUIZ** at said **defendant's** Place of Residence, at 30 NEWBURGH ST, ELMONT, NY, 11003 in a 1st Class postpaid properly addressed envelope not indicating that the mailing was from an attorney or concerned legal action and marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office.

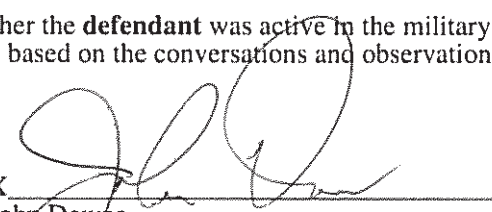
Comments: **BRICK AND WHITE SIDED RESIDENCE**

A description of the **defendant**, or other person served on behalf of the **defendant** is as follows:

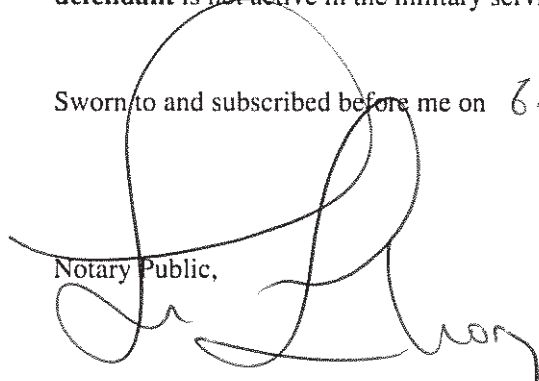
Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	Tan	Brown	48	5ft - 5ft3in	100-124lbs
Other Features: ACCENT					

Your deponent asked the above mentioned recipient whether the **defendant** was active in the military service and received a negative reply. Upon information and belief I have; being based on the conversations and observations above narrated, **defendant** is not active in the military service.

Sworn to and subscribed before me on 6-13-14

X 
John Downs
License#: 823771
Alstate Process Service Inc.
60 Burt Drive
Deer Park, NY 11729
631/667-1800

Notary Public,


ILIANA JAZMIN WOLLNEY
Notary Public, State of New York
NO. 01WO6246283
Qualified in Suffolk County
Commission Expires Aug. 8, 2015

GROSS POLOWY, LLC (F)
25 NORTHPOINTE PARKWAY
AMHERST, NY 14228
716/204-1700

Atty File#: 300421 ALS



2279234



**UNITED STATES
POSTAL SERVICE**

**Certificate Of
Mailing**

This Certificate of Mailing provides evidence that mail has been presented to USPS® for mailing.
This form may be used for domestic and international mail.

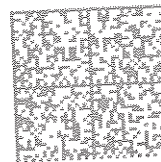
FROM:

ALSTATE
60 BURT DRIVE
DEER PARK, NY 11729

JD

TO:

MARCO RUIZ,
30 NEWBURGH ST ,
ELMONT, NY 11003



U.S. POSTAGE® PINEY BOWES
ZIP 11729 \$001.30⁰
02 1W
0001391861 JUN 12 2014





2279234

Affidavit of Service by Mail
PURSUANT TO CPLR 3215

UNITED STATES DISTRICT COURT OF NEW YORK
EASTERN DISTRICT

ONEWEST BANK, NA

-against-

MARCO RUIZ, ET AL

Att File: 300421 ALS
Internal Id: 2279234
Index: 1:14-CV-03207-SLT-RLM
S & C Filed: 05/22/2014

State of New York
County of Suffolk ss.:

John Downs being duly sworn, deposes and says deponent is not a party to this action and is over the age of eighteen years and resides in the State of New York.

That on **June 12, 2014** Deponent mailed a copy of the **SUMMONS and 1303 Notice** in this action on those defendants listed below by first class mail in an envelope bearing the legend "personal and confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt.

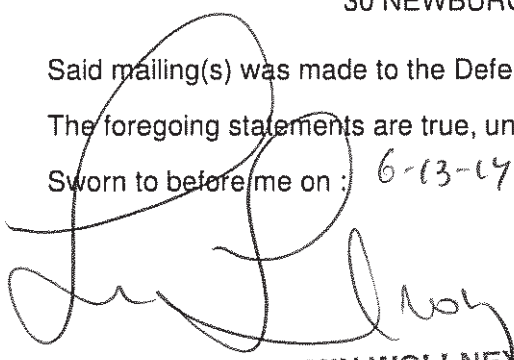
Defendant(s): MARCO RUIZ
30 NEWBURGH ST , ELMONT, NY 11003

Said mailing(s) was made to the Defendant(s) place of residence.

The foregoing statements are true, under penalty of perjury.

Sworn to before me on : 6-13-14


John Downs


ILIANA JAZMIN WOLLNEY
Notary Public, State of New York
NO. 01WO6246283
Qualified in Suffolk County
Commission Expires Aug. 8, 2015

UNITED STATES DISTRICT COURT OF NEW
YORK
EASTERN DISTRICT

2279255

AMENDED AFFIDAVIT OF SERVICE

Index no :1:14-CV-03207-SLT-RLM

Plaintiff(s):	ONEWEST BANK, NA
Defendant(s):	MARCO RUIZ, ET AL

STATE OF NEW YORK
COUNTY OF SUFFOLK ss.:

Joseph Leggio, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the STATE OF NEW YORK.

On 06/06/2014 at 12:51 PM, I served the within **CERTIFICATE OF MERIT; SUMMONS IN A CIVIL ACTION AND COMPLAINT** Bearing Index Number 1:14-CV-03207-SLT-RLM and date of filing of 05/22/2014 on **MR. ARTINEZ (FIRST NAME REFUSED) SUED HEREIN AS JOHN DOE 1** at 134-09 HAWTREE STREET, 1ST FLOOR, OZONE PARK, NY 11417 in the manner indicated below:

INDIVIDUAL: by delivering thereat a true copy of each to said **Defendant(s)** personally; deponent knew the person so served to be the person described herein by deponent asking the person if he or she is the named **defendant** and the person responding that he or she is in fact the person named in this action as the **defendant**.

Comments: **TWO STORY RESIDENCE**A description of the **defendant**, or other person served on behalf of the **defendant** is as follows:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Male	Tan	Black	25	5ft4in - 5ft7in	150-174 lbs
Other Features:					

Your deponent asked the above mentioned **defendant** whether he or she was active in the military service and received a negative reply. Upon information and belief I have; being based on the conversations and observations above narrated, **defendant** is not active in the military service.

Sworn to and subscribed before me on 6/11/14

Joseph Leggio
License#: 1273575
Alstate Process Service Inc.
60 Burt Drive
Deer Park, NY 11729
631/667-1800

Notary Public,

GROSS POLOWY, LLC (F)
25 NORTHPOINTE PARKWAY
AMHERST, NY 14228
716/204-1700

Atty File#: 300421 ALS

SHEILA BROILLET

Notary Public, State of New York
No. 01BR4963771Qualified in Suffolk county
Commission Expires March 19, 2018

UNITED STATES DISTRICT COURT OF NEW
YORK
EASTERN DISTRICT



2279257

AMENDED AFFIDAVIT OF SERVICE

Index no :1:14-CV-03207-SLT-RLM

Plaintiff(s):	ONEWEST BANK, NA
Defendant(s):	MARCO RUIZ, ET AL

STATE OF NEW YORK
COUNTY OF SUFFOLK ss.:

Joseph Leggio, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the STATE OF NEW YORK.

On 06/06/2014 at 12:54 PM, I served the within **CERTIFICATE OF MERIT; SUMMONS IN A CIVIL ACTION AND COMPLAINT** Bearing Index Number 1:14-CV-03207-SLT-RLM and date of filing of 05/22/2014 on **MARIA COLON SUE HEREIN AS JOHN DOE 2** at 134-09 HAWTREE STREET, 2ND FLOOR, OZONE PARK, NY 11417 in the manner indicated below:

INDIVIDUAL: by delivering thereat a true copy of each to said **Defendant(s)** personally; deponent knew the person so served to be the person described herein by deponent asking the person if he or she is the named **defendant** and the person responding that he or she is in fact the person named in this action as the **defendant**.

Comments: **TWO STORY RESIDENCE**

A description of the **defendant**, or other person served on behalf of the **defendant** is as follows:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	Tan	Brown	39	5ft - 5ft3in	125-149 lbs
Other Features:					

Your deponent asked the above mentioned **defendant** whether he or she was active in the military service and received a negative reply. Upon information and belief I have; being based on the conversations and observations above narrated, **defendant** is not active in the military service.

Sworn to and subscribed before me on 6/11/14

X
Joseph Leggio
License#: 1273575
Alstate Process Service Inc.
60 Burt Drive
Deer Park, NY 11729
631/667-1800

Notary Public,

GROSS POLOWY, LLC (F)
25 NORTHPOINTE PARKWAY
AMHERST, NY 14228
716/204-1700

Atty File#: 300421 ALS

SHEILA BROILLET
Notary Public, State of New York
No. 01BR4963771
Qualified in Suffolk county
Commission Expires March 19, 2018

UNITED STATES DISTRICT COURT OF NEW
YORK
EASTERN DISTRICT



2279258

AMENDED AFFIDAVIT OF SERVICE

Index no :1:14-CV-03207-SLT-RLM

Plaintiff(s):	ONEWEST BANK, NA
Defendant(s):	MARCO RUIZ, ET AL

STATE OF NEW YORK
COUNTY OF SUFFOLK ss.:

Joseph Leggio, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the STATE OF NEW YORK.

On 06/06/2014 at 12:54 PM, I served the within **CERTIFICATE OF MERIT; SUMMONS IN A CIVIL ACTION AND COMPLAINT** Bearing Index Number 1:14-CV-03207-SLT-RLM and date of filing of 05/22/2014 on **MONICA LOPEZ SUED HEREIN AS JOHN DOE 3** at 134-09 HAWTREE STREET, 2ND FLOOR, OZONE PARK, NY 11417 in the manner indicated below:

INDIVIDUAL: by delivering thereat a true copy of each to said **Defendant(s)** personally; deponent knew the person so served to be the person described herein by deponent asking the person if he or she is the named **defendant** and the person responding that he or she is in fact the person named in this action as the **defendant**.

Comments: **TWO STORY RESIDENCE**

A description of the **defendant**, or other person served on behalf of the **defendant** is as follows:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	Tan	Blonde	24	5ft - 5ft3in	150-174 lbs
Other Features:					

Your deponent asked the above mentioned **defendant** whether he or she was active in the military service and received a negative reply. Upon information and belief I have; being based on the conversations and observations above narrated, **defendant** is not active in the military service.

Sworn to and subscribed before me on 6/11/14

X
Joseph Leggio
License#: 1273575
Alstate Process Service Inc.
60 Burt Drive
Deer Park, NY 11729
631/667-1800

Notary Public,

SHEILA BROILLET
Notary Public, State of New York
No. 01BR4963771
Qualified in Suffolk county
Commission Expires March 19, 2018

GROSS POLOWY, LLC (F)
25 NORTHPOINTE PARKWAY
AMHERST, NY 14228
716/204-1700

Atty File#: 300421 ALS

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:14-cv-03207

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) **MR. ARTINEZ (FIRST NAME UNKNOWN)**
was received by me on (date) **6/3/14** **S/H/A JOHN DOE 1**

☒ I personally served the summons on the individual at (place) **134-09 HAWTREE STREET, 1ST FLOOR,**
OZONE PARK, NY 11417 on (date) _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
_____, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____, who is
designated by law to accept service of process on behalf of (name of organization) _____
on (date) _____ ; or

☐ I returned the summons unexecuted because _____ ; or


☒ ~~Other~~ **DESCRIPTION: MALE, SKIN: TAN, WEIGHT: 150-174**
AGE: 25, HEIGHT: 5'4"-5'7", HAIR: BLACK

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ **0.00**.

I declare under penalty of perjury that this information is true.

Date: **6/10/14**

SHEILA BROILLET
Notary Public, State of New York
No. 01BR4963771
Qualified in Suffolk county
Commission Expires March 19, 20 **18**


Server's signature
JOSEPH LEGGIO
LICENSE NO.: **1273575**
Printed name and title
ALSTATE PROCESS SERVICE
60 BURT DRIVE
DEER PARK, NY 11729
(631) 667-1800
Server's address

Additional information regarding attempted service, etc:



2279255

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

ONEWEST BANK, NA

Plaintiff(s)

v.

MARCO RUIZ, ET AL.

Defendant(s)

Civil Action No. 1:14-cv-03207

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JOHN DOE
134-09 HAWTREE STREET
OZONE PARK, NEW YORK 11417

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: GROSS POLOWY, LLC
25 NORTHPOINTE PARKWAY, SUITE 25
AMHERST, NY 14228

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



Douglas C. Palmer
CLERK OF COURT

Date: 05/22/2014

s/Priscilla Bowens
Signature of Clerk or Deputy Clerk



2279255

UNITED STATES DISTRICT COURT OF NEW YORK
EASTERN DISTRICT



2279255

INDEX # 1:14-CV-03207-SLT-RLM

ONEWEST BANK, NA

PLAINTIFF(S)

against

AFFIDAVIT OF
MAILING PURSUANT
TO RPAPL 1303

MARCO RUIZ, ET AL

DEFENDANT(S)

STATE OF NEW YORK
COUNTY OF SUFFOLK

ss:

Kenneth J Mannino being duly sworn, deposes and says :

I am not a party to this action, over the age of eighteen years, and reside in the State of New York; that on **June 09, 2014** your Deponent mailed a copy of the Notice required by RPAPL 1303 to the tenant named below in the following manner:

✓ Delivery of said Notice was made by first class mail by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

✓ Delivery of said Notice was made by Certified Return Receipt Requested by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Certified Mail No. : 70132630000190757175;

The Notice, as delivered was printed on colored paper, other than the color of the Summons and Complaint, the title of the Notice appeared in bold, 20-point type and the text in bold, 14-point type. Said notice was mailed in an envelope bearing the legend "Personal and Confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt.

Said Notice was mailed and addressed as indicated below :

Name : **MR. ARTINEZ SUED HEREIN AS JOHN DOE 1**

Premises : **134-09 HAWTREE STREET 1ST FLOOR, OZONE PARK, NY 11417**

The foregoing statements are true, under penalty of perjury.

Sworn to before me on :

6/9/14

NOTARY

Kenneth J Mannino

GROSS POLOWY, LLC (F) - 25 NORTHPOINTE PARKWAY AMHERST, NY 14228 716/204-1700

YARALIZ ARCHACKI

Notary Public, State of New York

No. 01AR6283796

Qualified in Suffolk County

Commission Expires June 17, 2017

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:14-cv-03207

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) MARIA COLON S/H/A JOHN DOE 2
was received by me on (date) 6/3/14

☒ I personally served the summons on the individual at (place) 134-09 HAWTREE STREET, 2ND FLOOR
OZONE PARK, NY 114147 on (date) 6/6/14 XXX @ 12:54 P.M.

☐ I left the summons at the individual's residence or usual place of abode with (name) _____,
a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____, who is
designated by law to accept service of process on behalf of (name of organization) _____
on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☒ ~~XXXXXXXXXX~~ DESCRIPTION: FEMALE, SKIN: TAN, WEIGHT: 125-149, AGE 39,
HEIGHT: 5'0"-5'3", HAIR: BROWN

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: _____


Server's signature
JOSEPH LEGGIO

LICENSE NO.: 1273575

Printed name and title

ALSTATE PROCESS SERVICE

60 BURT DRIVE

DEER PARK, NY 11729

(631) 667-1800

Server's address

Additional information regarding attempted service, etc:



2279257

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

ONEWEST BANK, NA

Plaintiff(s)

v.

MARCO RUIZ, ET AL.

Defendant(s)

Civil Action No. 1:14-cv-03207

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JOHN DOE
134-09 HAWTREE STREET
OZONE PARK, NEW YORK 11417

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: GROSS POLOWY, LLC
25 NORTHPOINTE PARKWAY, SUITE 25
AMHERST, NY 14228

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Douglas C. Palmer
CLERK OF COURT

Date: 05/22/2014



s/Priscilla Bowens

Signature of Clerk or Deputy Clerk



2279257

UNITED STATES DISTRICT COURT OF NEW YORK
EASTERN DISTRICT



2279257

ONEWEST BANK, NA

PLAINTIFF(S)

against

MARCO RUIZ, ET AL

DEFENDANT(S)

INDEX # 1:14-CV-03207-SLT-RLM

AFFIDAVIT OF
MAILING PURSUANT
TO RPAPL 1303

STATE OF NEW YORK
COUNTY OF SUFFOLK

ss:

Kenneth J Mannino being duly sworn, deposes and says :

I am not a party to this action, over the age of eighteen years, and reside in the State of New York; that on **June 09, 2014** your deponent mailed a copy of the Notice required by RPAPL 1303 to the tenant named below in the following manner:

☒ Delivery of said Notice was made by first class mail by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

☒ Delivery of said Notice was made by Certified Return Receipt Requested by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Certified Mail No. : 70132630000190757168;

The Notice, as delivered was printed on colored paper, other than the color of the Summons and Complaint, the title of the Notice appeared in bold, 20-point type and the text in bold, 14-point type. Said notice was mailed in an envelope bearing the legend "Personal and Confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt.

Said Notice was mailed and addressed as indicated below :

Name : **MARIA COLON SUED HEREIN AS JOHN DOE 2**
Premises : **134-09 HAWTREE STREET 2ND FLOOR, OZONE PARK, NY 11417**

The foregoing statements are true, under penalty of perjury.

Sworn to before me on : 6/9/14

NOTARY

Kenneth J Mannino

GROSS POLOWY, LLC (F) - 25 NORTHPOINTE PARKWAY AMHERST, NY 14228 716/204-1700

YARALIZ ARCHACKI
Notary Public, State of New York
No. 01AR6283796
Qualified in Suffolk County
Commission Expires June 17, 2017

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:14-cv-03207

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) MONICA LOPEZ S/H/A JOHN DOE '3
was received by me on (date) 6/3/14

☒ I personally served the summons on the individual at (place) 134-09 HAWTREE STREET, 2ND FLOOR,
OZONE PARK, NY 11417 on (date) 6/6/14 XXX @ 12:54 P.M.

☐ I left the summons at the individual's residence or usual place of abode with (name) _____,
a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on (name of individual) _____, who is
designated by law to accept service of process on behalf of (name of organization) _____
on (date) _____; or

☐ I returned the summons unexecuted because _____; or

☒ ~~PHOTOGRAPH~~ DESCRIPTION: FEMALE, SKIN: TAN, WEIGHT: 150-174
AGE: 24, HEIGHT: 5'0"-5'3", HAIR: BLONDE

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: _____


Server's signature

JOSEPH LEGGIO
LICENSE NO. : 1273575 Printed name and title

ALSTATE PROCESS SERVICE
60 BURT DRIVE
DEER PARK, NY 11729
(631) 667-1800 Server's address

Additional information regarding attempted service, etc:



2279258

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

ONEWEST BANK, N.A.

Plaintiff(s)

v.

MARCO RUIZ, ET AL.

Defendant(s)

Civil Action No. 1:14-cv-03207

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) JOHN DOE
134-09 HAWTREE STREET
OZONE PARK, NEW YORK 11417

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

GROSS POLOWY, LLC
25 NORTHPOINTE PARKWAY, SUITE 25
AMHERST, NY 14228

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Douglas C. Palmer
CLERK OF COURT

Date: 05/22/2014

s/Priscilla Bowens
Signature of Clerk or Deputy Clerk



2279258

UNITED STATES DISTRICT COURT OF NEW YORK
EASTERN DISTRICT



2279258

ONEWEST BANK, NA

PLAINTIFF(S)

against

MARCO RUIZ, ET AL

DEFENDANT(S)

INDEX # 1:14-CV-03207-SLT-RLM

AFFIDAVIT OF
MAILING PURSUANT
TO RPAPL 1303

STATE OF NEW YORK
COUNTY OF SUFFOLK

ss:

Kenneth J Mannino being duly sworn, deposes and says :

I am not a party to this action, over the age of eighteen years, and reside in the State of New York; that on **June 09, 2014** your deponent mailed a copy of the Notice required by RPAPL 1303 to the tenant named below in the following manner:

☒ Delivery of said Notice was made by first class mail by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

☒ Delivery of said Notice was made by Certified Return Receipt Requested by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Certified Mail No. : 70132630000190757151;

The Notice, as delivered was printed on colored paper, other than the color of the Summons and Complaint, the title of the Notice appeared in bold, 20-point type and the text in bold, 14-point type. Said notice was mailed in an envelope bearing the legend "Personal and Confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt.

Said Notice was mailed and addressed as indicated below :

Name : **MONICA LOPEZ SUED HEREIN AS JOHN DOE 3**
Premises : **134-09 HAWTREE STREET 2ND FLOOR, OZONE PARK, NY 11417**

The foregoing statements are true, under penalty of perjury.

Sworn to before me on : 6/19/14


NOTARY


Kenneth J Mannino

GROSS POLOWY, LLC (F) - 25 NORTHPOINTE PARKWAY AMHERST, NY 14228 716/204-1700

YARALIZ ARCHACKI
Notary Public, State of New York
No. 01AR6283796
Qualified in Suffolk County
Commission Expires June 17, 2017

UNITED STATES DISTRICT COURT OF NEW YORK
EASTERN DISTRICT



2280998

INDEX # 1:14-CV-03207-SLT-RLM

ONEWEST BANK, NA

PLAINTIFF(S)

against

MARCO RUIZ, ET AL

DEFENDANT(S)

AFFIDAVIT OF
MAILING PURSUANT
TO RPAPL 1303

STATE OF NEW YORK
COUNTY OF SUFFOLK

ss:

Kenneth J Mannino being duly sworn, deposes and says :

I am not a party to this action, over the age of eighteen years, and reside in the State of New York; that on **June 09, 2014** your deponent mailed a copy of the Notice required by RPAPL 1303 to the tenant named below in the following manner:

✓ Delivery of said Notice was made by first class mail by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

_____ Delivery of said Notice was made by Certified Return Receipt Requested by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Certified Mail No. :

The Notice, as delivered was printed on colored paper, other than the color of the Summons and Complaint, the title of the Notice appeared in bold, 20-point type and the text in bold, 14-point type. Said notice was mailed in an envelope bearing the legend "Personal and Confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt.

Said Notice was mailed and addressed as indicated below :

Name : **OCCUPANT**

Premises : **134-09 HAWTREE STREET 2ND FLOOR, OZONE PARK, NY 11417**

The foregoing statements are true, under penalty of perjury.

Sworn to before me on :

6/9/14

NOTARY

Kenneth J Mannino

GROSS POLOWY, LLC (F) - 25 NORTHPOINTE PARKWAY AMHERST, NY 14228 716/204-1700

YARALIZ ARCHACKI
Notary Public, State of New York
No. 01AR6283796
Qualified in Suffolk County
Commission Expires June 17, 2017

UNITED STATES DISTRICT COURT OF NEW YORK
EASTERN DISTRICT



2280989

ONEWEST BANK, NA

PLAINTIFF(S)

against

MARCO RUIZ, ET AL

DEFENDANT(S)

INDEX # 1:14-CV-03207-SLT-RLM

AFFIDAVIT OF
MAILING PURSUANT
TO RPAPL 1303

STATE OF NEW YORK
COUNTY OF SUFFOLK

ss:

Kenneth J Mannino being duly sworn, deposes and says :

I am not a party to this action, over the age of eighteen years, and reside in the State of New York; that on **June 09, 2014** your deponent mailed a copy of the Notice required by RPAPL 1303 to the tenant named below in the following manner:

✓ Delivery of said Notice was made by first class mail by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Delivery of said Notice was made by Certified Return Receipt Requested by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Certified Mail No. :

The Notice, as delivered was printed on colored paper, other than the color of the Summons and Complaint, the title of the Notice appeared in bold, 20-point type and the text in bold, 14-point type. Said notice was mailed in an envelope bearing the legend "Personal and Confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt.

Said Notice was mailed and addressed as indicated below :

Name : OCCUPANT

Premises : 134-09 HAWTREE STREET 1ST FLOOR, OZONE PARK, NY 11417

The foregoing statements are true, under penalty of perjury.

Sworn to before me on : 6/9/14

NOTARY

Kenneth J Mannino

GROSS POLOWY, LLC (F) - 25 NORTHPOINTE PARKWAY AMHERST, NY 14228 716/204-1700

YARALIZ ARCHACKI
Notary Public, State of New York
No. 01AR6283796
Qualified in Suffolk County
Commission Expires June 17, 2017

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

ONEWEST BANK, NA

Plaintiff(s)

v.

MARCO RUIZ, ET AL.

Defendant(s)

Civil Action No. 1:14-cv-03207

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* PNC BANK, NATIONAL ASSOCIATION SUCCESSOR BY MERGER TO NATIONAL CITY BANK
222 DELAWARE AVENUE
WILMINGTON, DELAWARE 19899

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: GROSS POLOWY, LLC
25 NORTHPOINTE PARKWAY, SUITE 25
AMHERST, NY 14228

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



Douglas C. Palmer
CLERK OF COURT

Date: 05/22/2014

s/Priscilla Bowens
Signature of Clerk or Deputy Clerk

AO 440 (Rev. 01/09) Summons in a Civil Action (Page 2)

Civil Action No. 1:14-CV-03207-SLT-RLM

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This summons for *(name of individual and title, if any)* PNC BANK, N.A. SUCCESSOR BY MERGER TO NATIONAL CITY BANK
was received by me on *(date)* 6/5/14

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____, or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on *(name of individual)* DEBORAH WRIGHT (process agent) BLACK, FEMALE 25, 5'5 140 BLACK AHIR, who is
designated by law to accept service of process on behalf of *(name of organization)* PNC BANK, N.A. SUCCESSOR BY MERGER TO NATIONAL CITY BANK
AT 222 DELAWARE AVE. WILMINGTON, DE 19801 on *(date)* 6/5/14 12:25 PM

☐ I returned the summons unexecuted because _____, or

☒ Other *(specify)*: DEBORAH WRIGHT IS A BLACK FEMAL APPROX 25 - 5'5 140
WITH BLACK HAIR

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____

I declare under penalty of perjury that this information is true.

Date: 6/5/14



Server's signature

SWORN TO ON 6/11/14

DENORRIS BRITT

Printed name and title

KEVIN DUNN
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires April 4, 2016

Server's address

Additional information regarding attempted service, etc:



2279245

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:14-cv-03207

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for ^{*} (name of individual and title, if any) NEW YORK CITY ENVIRONMENTAL CONTROL BOARD
 was received by me on (date) 6/3/14

☐ I personally served the summons on the individual at (place) _____
 on (date) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) B. MAZYCK, who is
 designated by law to accept service of process on behalf of (name of organization) NEW YORK ENVIRONMENTAL
CONTROL BOARD on (date) 6/4/14 XXX AT 11:58 A.M.
AT 100 CHURCH STREET, 1ST FLOOR, NEW YORK, NY 10007
☐ I returned the summons unexecuted because _____; or

DESCRIPTION:
☒ ~~Other person~~: FEMALE, SKIN: BLACK, HAIR: GRAY, AGE: 55, WEIGHT: 150-174,
 * IN A CIVIL ACTION, COMPLAINT & CERTIFICATE OF MERIT HEIGHT: 5'4"-5'7"

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date:

6/9/14
[Signature]

YARALIZ ARCHACKI
 Notary Public, State of New York
 No. 01AR6283796
 Qualified in Suffolk County
 Commission Expires June 17, 2017

MELVIN ROLFE
 LICENSE #0916782

Server's signature

Printed name and title

ALSTATE PROCESS SERVICE
 60 BURT DRIVE
 DEER PARK, NY 11729

Server's address

Additional information regarding attempted service, etc:



2279248

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

ONEWEST BANK, NA

Plaintiff(s)

v.

MARCO RUIZ, ET AL.

Defendant(s)

Civil Action No. 1:14-cv-03207

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* NEW YORK CITY ENVIRONMENTAL CONTROL BOARD
100 CHURCH STREET
NEW YORK, NEW YORK 10007

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: GROSS POLOWY, LLC
25 NORTHPOINTE PARKWAY, SUITE 25
AMHERST, NY 14228

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



Douglas C. Palmer
CLERK OF COURT

Date: 05/22/2014

s/Priscilla Bowens

Signature of Clerk or Deputy Clerk



2279248

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:14-cv-03207

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons^{*} for (name of individual and title, if any) NEW YORK CITY PARKING VIOLATIONS BUREAU
was received by me on (date) 6/3/14

☐ I personally served the summons on the individual at (place) _____
_____ on (date) _____; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
_____, a person of suitable age and discretion who resides there,
on (date) _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) B. MAZYCK, who is
designated by law to accept service of process on behalf of (name of organization) NEW YORK CITY PARKING
VIOLATIONS BUREAU on (date) 6/4/14 ~~XX~~ at 11:58 a.m.
at 100 CHURCH STREET, 1ST FLOOR, NEW YORK, NY 10007
☐ I returned the summons unexecuted because _____; or

DESCRIPTION;
~~XXXXXX~~ FEMALE, SKIN: BLACK, HAIR: GRAY, AGE: 55, WEIGHT: 150-174
HEIGHT: 5'4"-5'7"

*** IN A CIVIL ACTION, COMPLAINT AND CERTIFICATE OF MERIT**

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 6/9/14

YARALIZ ARCHACKI
Notary Public, State of New York
No. 01AR6283796
Qualified in Suffolk County
Commission Expires June 17, 2017

MELVIN ROLFE
LICENSE #0916782

ALSTATE PROCESS SERVICE
60 BURT DRIVE
DEER PARK, NY 11729

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:



2279249

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

ONEWEST BANK, NA

Plaintiff(s)

v.

MARCO RUIZ, ET AL.

Defendant(s)

Civil Action No. 1:14-cv-03207

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* NEW YORK CITY PARKING VIOLATIONS BUREAU
100 CHURCH STREET
NEW YORK, NEW YORK 10007

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

GROSS POLOWY, LLC
25 NORTHPOINTE PARKWAY, SUITE 25
AMHERST, NY 14228

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



Douglas C. Palmer
CLERK OF COURT

Date: 05/22/2014

s/Priscilla Bowens
Signature of Clerk or Deputy Clerk



2279249

UNITED STATES DISTRICT COURT OF NEW YORK
EASTERN DISTRICT

2279252

AFFIDAVIT OF SERVICE

Index no :1:14-CV-03207-SLT-RLM

Plaintiff(s):	ONEWEST BANK, NA
Defendant(s):	MARCO RUIZ, ET AL

STATE OF NEW YORK
COUNTY OF SUFFOLK ss.:

Melvin Rolfe, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the STATE OF NEW YORK.

On 06/03/2014 at 11:46 AM, I served the within **CERTIFICATE OF MERIT; SUMMONS IN A CIVIL ACTION AND COMPLAINT** Bearing Index Number 1:14-CV-03207-SLT-RLM and date of filing of 05/22/2014 on **NEW YORK CITY TRANSIT ADJUDICATION BUREAU** at 130 LIVINGSTON STREET, BROOKLYN, NY 11201 in the manner indicated below:

MUNICIPALITY: By delivering a true copy of said documents to **L. STERLING, CLERK** of the above named **MUNICIPALITY**. The undersigned asked the recipient if he/she is authorized to accept service on behalf of **NEW YORK CITY TRANSIT ADJUDICATION BUREAU**, and the recipient responded in the affirmative.

A description of the **defendant**, or other person served on behalf of the **defendant** is as follows:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	Black	Brown	45	5ft4in - 5ft7in	150-174 lbs
Other Features:					

Affidavit Comments:1ST FLOOR

Sworn to and subscribed before me on

Notary Public,

X
Melvin Rolfe
License#: 0916782
Alstate Process Service Inc.
60 Burt Drive
Deer Park, NY 11729
631/667-1800

GROSS POLOWY, LLC (F)
25 NORTHPOINTE PARKWAY
AMHERST, NY 14228
716/204-1700

Atty File#: 300421 ALS

6/5/14
Notary Public,

Francesca Melillo
Notary Public, State of New York
No. 01ME6286011
Qualified in Suffolk County
Commission Expires July 20, 2017

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

-----X
ONEWEST BANK, N.A.

Plaintiff,

vs.

MARCO RUIZ, MERCEDES RUIZ, NEW YORK
CITY ENVIRONMENTAL CONTROL BOARD, NEW
YORK CITY PARKING VIOLATIONS BUREAU,
NEW YORK CITY TRANSIT ADJUDICATION
BUREAU, PNC BANK, NATIONAL ASSOCIATION
SUCCESSOR BY MERGER TO NATIONAL CITY
BANK, MARIA COLON, MONICA LOPEZ, MR.
ARTINEZ,

JOHN DOE (being fictitious, the names
unknown to Plaintiff intended to be
tenants, occupants, persons or
corporations having or claiming an
interest in or lien upon the property
described in the complaint or their
heirs at law, distributees, executors,
administrators, trustees, guardians,
assignees, creditors or successors.)

Defendant(s).

-----X

**AFFIDAVIT OF SERVICE BY
MAIL**

INDEX NO.: 1:14-CV-03207

MORTGAGED PREMISES:
134-09 HAWTREE STREET
OZONE PARK, NY 11417

SBL #:
BLOCK 11501,
LOT 156

Samantha A. Scudder, being duly sworn, deposes and states as follows:

That deponent is an employee of Gross Polowy, LLC, Attorney of record for the Plaintiff in the
above captioned action. That deponent is not a party to this action. Deponent is over the age of 18
years.

That on the 15th day of October, 2014, deponent served a true copy of the Amended Complaint
in action on the Defendant(s) or the attorneys for the Defendants, whose names, representation and
designated addresses appear below or as shown on the attached by depositing a true copy of the same,
enclosed in a postpaid properly addressed wrapper, in an official postal depository at 25 Northpointe

Parkway, Amherst, New York, under the care and custody of the United States Post Office Department within the State of New York.

The foregoing statements are true, under penalty of perjury.


Samantha A. Scudder

Sworn to before me this 15th day of October, 2014.


Notary Public

MARCO RUIZ
30 NEWBURGH ST
ELMONT, NY 11003

SHEILA M. GELLEY
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 04/20/2018

MERCEDES RUIZ
30 NEWBURGH ST
ELMONT, NY 11003

NEW YORK CITY PARKING VIOLATIONS BUREAU
100 CHURCH STREET
1ST FLOOR
NEW YORK, NY 10007

PNC BANK, NATIONAL ASSOCIATION SUCCESSOR BY MERGER TO NATIONAL CITY
BANK
222 DELAWARE AVENUE
WILMINGTON, DE 19801

NEW YORK CITY ENVIRONMENTAL CONTROL BOARD
100 CHURCH STREET
1ST FLOOR
NEW YORK, NY 10007

NEW YORK CITY TRANSIT ADJUDICATION BUREAU
130 LIVINGSTON STREET
BROOKLYN, NY 11201

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

2314831

AFFIDAVIT OF SERVICE

Index no :1:14-CV-03207 (SLT)(RLM)

Plaintiff(s):	ONEWEST BANK, N.A.
Defendant(s):	MARCO RUIZ, ET AL

STATE OF NEW YORK
COUNTY OF SUFFOLK ss.:

Joseph Leggio, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the STATE OF NEW YORK.

On 10/09/2014 at 2:10 PM, I served the within SUMMONS IN A CIVIL ACTION; AND AMENDED COMPLAINT Bearing Index Number 1:14-CV-03207 (SLT)(RLM) and date of filing of 10/07/2014 on MR. ARTINEZ (1ST NAME REFUSED) at 134-09 HAWTREE STREET, 1ST FLOOR, OZONE PARK, NY 11417 in the manner indicated below:

INDIVIDUAL: by delivering thereat a true copy of each to said Defendant(s) personally; deponent knew the person so served to be the person described herein by deponent asking the person if he or she is the named defendant and the person responding that he or she is in fact the person named in this action as the defendant.

Comments: 2 STORY RESIDENCE

A description of the defendant, or other person served on behalf of the defendant is as follows:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Male	Tan	Black	25	5ft4in - 5ft7in	150-174 lbs
Other Features:					


Your deponent asked the above mentioned defendant whether he or she was active in the military service and received a negative reply. Upon information and belief I have; being based on the conversations and observations above narrated, defendant is not active in the military service.

Sworn to and subscribed before me on


 10/15/14

Notary Public,

YARALIZ ARCHACKI
Notary Public, State of New York
No. 01AR6283796
Qualified in Suffolk County
Commission Expires June 17, 2017

X

Joseph Leggio
License#: 1273575
Alstate Process Service Inc.
60 Burt Drive
Deer Park, NY 11729
631/667-1800

GROSS POLOWY, LLC (F)
25 NORTHPOINTE PARKWAY
AMHERST, NY 14228
716/204-1700

Atty File#: 300421 PRP

UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF NEW YORK



2314831

INDEX # 1:14-CV-03207 (SLT)(RLM)

ONEWEST BANK, N.A.

PLAINTIFF(S)

against

AFFIDAVIT OF
MAILING PURSUANT
TO RPAPL 1303

MARCO RUIZ, ET AL

DEFENDANT(S)

STATE OF NEW YORK
COUNTY OF SUFFOLK

ss:

Kenneth J Mannino being duly sworn, deposes and says :

I am not a party to this action, over the age of eighteen years, and reside in the State of New York; that on **October 14, 2014** your deponent mailed a copy of the Notice required by RPAPL 1303 to the tenant named below in the following manner:

Delivery of said Notice was made by first class mail by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Delivery of said Notice was made by Certified Return Receipt Requested by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Certified Mail No. : 70141200000049548911;

The Notice, as delivered was printed on colored paper, other than the color of the Summons and Complaint, the title of the Notice appeared in bold, 20-point type and the text in bold, 14-point type. Said notice was mailed in an envelope bearing the legend "Personal and Confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt.

Said Notice was mailed and addressed as indicated below :

Name : **MR. ARTINEZ (1ST NAME REFUSED)**

Premises : **134-09 HAWTREE STREET 1ST FLOOR, OZONE PARK, NY 11417**

The foregoing statements are true, under penalty of perjury.

Sworn to before me on : 10-14-14

NOTARY

Kenneth J Mannino

GROSS POLOWY, LLC (F) - 25 NORTHPOINTE PARKWAY AMHERST, NY 14228 716/204-1700

ILIANA JAZMIN WOLLNEY
Notary Public, State of New York
NO. 01WO6246283
Qualified in Suffolk County
Commission Expires Aug. 8, 2015

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

2314835

AFFIDAVIT OF SERVICE

Index no :1:14-CV-03207 (SLT)(RLM)

Plaintiff(s):	ONEWEST BANK, N.A.
Defendant(s):	MARCO RUIZ, ET AL

STATE OF NEW YORK
COUNTY OF SUFFOLK ss.:

Joseph Leggio, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the STATE OF NEW YORK.

On 10/09/2014 at 2:07 PM, I served the within SUMMONS IN A CIVIL ACTION; AND AMENDED COMPLAINT Bearing Index Number 1:14-CV-03207 (SLT)(RLM) and date of filing of 10/07/2014 on MARIA COLON at 134-09 HAWTREE STREET, 2ND FLOOR, OZONE PARK, NY 11417 in the manner indicated below:

INDIVIDUAL: by delivering thereat a true copy of each to said **Defendant(s)** personally; deponent knew the person so served to be the person described herein by deponent asking the person if he or she is the named **defendant** and the person responding that he or she is in fact the person named in this action as the **defendant**.

Comments: 2 STORY RESIDENCE

A description of the **defendant**, or other person served on behalf of the **defendant** is as follows:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	Tan	Brown	39	5ft - 5ft3in	125-149 lbs
Other Features:					

Your deponent asked the above mentioned **defendant** whether he or she was active in the military service and received a negative reply. Upon information and belief I have; being based on the conversations and observations above narrated, **defendant** is not active in the military service.

Sworn to and subscribed before me on

Notary Public,

Joseph Leggio
 License#: 1273575
 Alstate Process Service Inc.
 60 Burt Drive
 Deer Park, NY 11729
 631/667-1800

YARALIZ ARCHACKI
 Notary Public, State of New York
 No. 01AR6283796
 Qualified in Suffolk County
 Commission Expires June 17, 2017

GROSS POLOWY, LLC (F)
 25 NORTHPOINTE PARKWAY
 AMHERST, NY 14228
 716/204-1700

Atty File#: 300421 PRP

UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF NEW YORK



2314835

ONEWEST BANK, N.A.

PLAINTIFF(S)

against

MARCO RUIZ, ET AL

DEFENDANT(S)

INDEX # 1:14-CV-03207 (SLT)(RLM)

AFFIDAVIT OF
MAILING PURSUANT
TO RPAPL 1303

STATE OF NEW YORK
COUNTY OF SUFFOLK

ss:

Kenneth J Mannino being duly sworn, deposes and says :

I am not a party to this action, over the age of eighteen years, and reside in the State of New York; that on **October 14, 2014** your deponent mailed a copy of the Notice required by RPAPL 1303 to the tenant named below in the following manner:

Delivery of said Notice was made by first class mail by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Delivery of said Notice was made by Certified Return Receipt Requested by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Certified Mail No. : 70141200000049548928;

The Notice, as delivered was printed on colored paper, other than the color of the Summons and Complaint, the title of the Notice appeared in bold, 20-point type and the text in bold, 14-point type. Said notice was mailed in an envelope bearing the legend "Personal and Confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt.

Said Notice was mailed and addressed as indicated below :

Name : MARIA COLON

Premises : 134-09 HAWTREE STREET 2ND FLOOR, OZONE PARK, NY 11417

The foregoing statements are true, under penalty of perjury.

Sworn to before me on : 10-14-14

NOTARY

Kenneth J Mannino

GROSS POLOWY, LLC (F) - 25 NORTHPOINTE PARKWAY AMHERST, NY 14228 716/204-1700

ILIANA JAZMIN WOLLNEY
Notary Public, State of New York
NO. 01WO6246283
Qualified in Suffolk County
Commission Expires Aug. 8, 2015

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

2314836

Index no :1:14-CV-03207 (SLT)(RLM)

Amended AFFIDAVIT OF SERVICE

Plaintiff(s):	ONEWEST BANK, N.A.
Defendant(s):	MARCO RUIZ, ET AL

STATE OF NEW YORK
COUNTY OF SUFFOLK ss.:

Joseph Leggio, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the STATE OF NEW YORK.

On 10/09/2014 at 2:07 PM, I served the within **SUMMONS IN A CIVIL ACTION; AND AMENDED COMPLAINT** Bearing Index Number 1:14-CV-03207 (SLT)(RLM) and date of filing of 10/07/2014 on **MONICA LOPEZ** at 134-09 HAWTREE STREET, 2ND FLOOR, OZONE PARK, NY 11417 in the manner indicated below:

INDIVIDUAL: by delivering thereat a true copy of each to said **Defendant(s)** personally; deponent knew the person so served to be the person described herein by deponent asking the person if he or she is the named **defendant** and the person responding that he or she is in fact the person named in this action as the **defendant**.

Comments: 2 STORY RESIDENCE

A description of the **defendant**, or other person served on behalf of the **defendant** is as follows:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	Tan	Blonde	24	5ft - 5ft3in	150-174 lbs
Other Features:					

Your deponent asked the above mentioned **defendant** whether he or she was active in the military service and received a negative reply. Upon information and belief I have; being based on the conversations and observations above narrated, **defendant** is not active in the military service.

Sworn to and subscribed before me on 10-17-14

Joseph Leggio
License#: 1273575
Alstate Process Service Inc.
60 Burt Drive
Deer Park, NY 11729
631/667-1800

GROSS POLOWY, LLC (F)
25 NORTHPOINTE PARKWAY
AMHERST, NY 14228
716/204-1700

Atty File#: 300421 PRP

Notary Public,

ILIANA JAZMIN WOLLNEY
Notary Public, State of New York
NO. 01WO6246283
Qualified in Suffolk County
Commission Expires Aug. 8, 2015

UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF NEW YORK



2314836

ONEWEST BANK, N.A.

PLAINTIFF(S)

against

MARCO RUIZ, ET AL

DEFENDANT(S)

INDEX # 1:14-CV-03207 (SLT)(RLM)

AFFIDAVIT OF
MAILING PURSUANT
TO RPAPL 1303

STATE OF NEW YORK
COUNTY OF SUFFOLK

ss:

Kenneth J Mannino being duly sworn, deposes and says :

I am not a party to this action, over the age of eighteen years, and reside in the State of New York; that on **October 14, 2014** your deponent mailed a copy of the Notice required by RPAPL 1303 to the tenant named below in the following manner:

✓ Delivery of said Notice was made by first class mail by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

✓ Delivery of said Notice was made by Certified Return Receipt Requested by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Certified Mail No. : 70141200000049548843;

The Notice, as delivered was printed on colored paper, other than the color of the Summons and Complaint, the title of the Notice appeared in bold, 20-point type and the text in bold, 14-point type. Said notice was mailed in an envelope bearing the legend "Personal and Confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt.

Said Notice was mailed and addressed as indicated below :

Name : MONICA LOPEZ

Premises : 134-09 HAWTREE STREET 2ND FLOOR, OZONE PARK, NY 11417

The foregoing statements are true, under penalty of perjury.

Sworn to before me on: 10-17-14

NOTARY

Kenneth J Mannino

GROSS POLOWY, LLC (F) - 25 NORTHPOINTE PARKWAY AMHERST, NY 14228 716/204-1700

ILIANA JAZMIN WOLLNEY
Notary Public, State of New York
NO. 01WO6246283
Qualified in Suffolk County
Commission Expires Aug. 8, 2015

UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF NEW YORK



2315857

INDEX # 1:14-CV-03207 (SLT)(RLM)

ONEWEST BANK, N.A.

PLAINTIFF(S)

against

AFFIDAVIT OF
MAILING PURSUANT
TO RPAPL 1303

MARCO RUIZ, ET AL

DEFENDANT(S)

STATE OF NEW YORK
COUNTY OF SUFFOLK

ss:

Kenneth J Mannino being duly sworn, deposes and says :

I am not a party to this action, over the age of eighteen years, and reside in the State of New York; that on **October 14, 2014** your deponent mailed a copy of the Notice required by RPAPL 1303 to the tenant named below in the following manner:

_____ Delivery of said Notice was made by first class mail by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

_____ Delivery of said Notice was made by Certified Return Receipt Requested by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Certified Mail No. :

The Notice, as delivered was printed on colored paper, other than the color of the Summons and Complaint, the title of the Notice appeared in bold, 20-point type and the text in bold, 14-point type. Said notice was mailed in an envelope bearing the legend "Personal and Confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt.

Said Notice was mailed and addressed as indicated below :

Name : **OCCUPANT**

Premises : **134-09 HAWTREE STREET 1ST FLOOR, OZONE PARK, NY 11417**

The foregoing statements are true, under penalty of perjury.

Sworn to before me on :

10-14-14

NOTARY

Kenneth J Mannino

GROSS POLOWY, LLC (F) 25 NORTHPOINTE PARKWAY AMHERST, NY 14228 716/204-1700

ILIANA JAZMIN WOLLNEY
Notary Public, State of New York
NO. 01WO6246283
Qualified in Suffolk County
Commission Expires Aug. 8, 2015

UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF NEW YORK



2315858

ONEWEST BANK, N.A.

PLAINTIFF(S)

against

MARCO RUIZ, ET AL

DEFENDANT(S)

INDEX # 1:14-CV-03207 (SLT)(RLM)

AFFIDAVIT OF
MAILING PURSUANT
TO RPAPL 1303

STATE OF NEW YORK
COUNTY OF SUFFOLK

ss:

Kenneth J Mannino being duly sworn, deposes and says :

I am not a party to this action, over the age of eighteen years, and reside in the State of New York; that on **October 14, 2014** your deponent mailed a copy of the Notice required by RPAPL 1303 to the tenant named below in the following manner:

Delivery of said Notice was made by first class mail by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Delivery of said Notice was made by Certified Return Receipt Requested by depositing a first class post-paid sealed envelope, in an official depository under the exclusive care and custody of the United States Post Office in the State of New York.

Certified Mail No. :

The Notice, as delivered was printed on colored paper, other than the color of the Summons and Complaint, the title of the Notice appeared in bold, 20-point type and the text in bold, 14-point type. Said notice was mailed in an envelope bearing the legend "Personal and Confidential" and not indicating on the outside of the envelope that the communication is from an attorney or concerns an alleged debt.

Said Notice was mailed and addressed as indicated below :

Name : **OCCUPANT**

Premises : **134-09 HAWTREE STREET 2ND FL , OZONE PARK, NY 11417**

The foregoing statements are true, under penalty of perjury.

Sworn to before me on : 10-14-14

NOTARY

Kenneth J Mannino

GROSS POLOWY, LLC (F) - 25 NORTHPOINTE PARKWAY AMHERST, NY 14228 716/204-1700

ILIANA JAZMIN WOLLNEY
Notary Public, State of New York
NO. 01WO6246283
Qualified in Suffolk County
Commission Expires Aug. 8, 2015

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)

Postmark Here

2314836
 MONICA LOPEZ
 134-09 HAWTREE STREET
 2ND FLOOR
 OZONE PARK, NY 11417

PS Form 3800, August 2005

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)

Postmark Here

2314835
 MARIA COLON
 134-09 HAWTREE STREET
 2ND FLOOR
 OZONE PARK, NY 11417

PS Form 3800, August 2005

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)
 For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)

Postmark Here

2314831
 MR. ARTINEZ (1ST NAME REFUSED)
 134-09 HAWTREE STREET
 1ST FLOOR
 OZONE PARK, NY 11417

PS Form 3800, August 2005

United States District Court
for the
Eastern District of New York

ONEWEST BANK, N.A.

Plaintiff,

V.

MARCO RUIZ; MERCEDES RUIZ; PNC BANK, NATIONAL ASSOCIATION SUCCESSOR BY MERGER TO NATIONAL CITY BANK; NEW YORK CITY PARKING VIOLATIONS BUREAU; NEW YORK CITY ENVIRONMENTAL CONTROL BOARD; NEW YORK CITY TRANSIT ADJUDICATION BUREAU; MR. ARTINEZ; MARIA COLON; MONICA LOPEZ,

Defendants.

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NON MILITARY AFFIDAVIT
(UNDER THE
(SERVICEMEMBERS'
(CIVIL RELIEF ACT
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(

The affiant, Todd Reilly, is an employee of OneWest Bank, N.A. ("OneWest"), and is authorized to make this affidavit on behalf of the Plaintiff. The affiant, being first duly sworn upon oath, deposes and says:

On this date, JAN 05 2015, the affiant conducted a search of the Department of Defense Manpower Data Center for the Defendants, MARCO RUIZ, MERCEDES RUIZ, MONICA LOPEZ, all of whom are over 18 years of age. The certified military status reports provided for said Defendants indicate that said Defendants are not in active military service as defined in the Servicemembers' Civil Relief Act. The Military Status Reports verifying said belief are attached hereto as **Exhibit A**.

The affiant lacks sufficient information to be able to determine whether any other Defendants in this action are in active military service, such as MR. ARTINEZ and MARIA COLON.

Affiant is unable to determine whether any Defendant is serving with the forces of a nation with which the United States is allied in the prosecution of a war or military action.

FURTHER AFFIANT SAYETH NOT.

Todd Relly

Type Name Here:

Todd Relly

Assistant Secretary

Sworn to before me this 5th day
of January, 20 15.

Katherine A Braddock
Notary Public

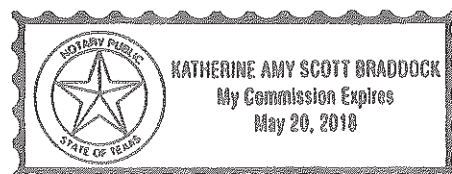
UNIFORM FORM CERTIFICATE OF ACKNOWLEDGMENT
(Outside of New York State)

STATE OF Texas
COUNTY OF Travis ss:

On the 5th day of January in the year 2015 before me, the undersigned, personally appeared Todd Relly, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in the City of Austin, TX. (Insert the city or political subdivision and the state or country or other place the acknowledgment was taken).

Katherine A Braddock
(Signature and office of individual taking acknowledgment)
Katherine Braddock

CaseGen: 300421



Department of Defense Manpower Data Center

Results as of : Jan-05-2015 08:43:47 AM

SCRA 3.0



Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: RUIZFirst Name: MARCO

Middle Name:

Active Duty Status As Of: Jan-05-2015

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: U1K334C861090A0

Department of Defense Manpower Data Center

Results as of : Jan-05-2015 06:45:04 AM

SCRA 3.0



Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: RUIZFirst Name: MERCEDES

Middle Name:

Active Duty Status As Of: Jan-05-2015

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: 0104O468Q10AXE0

Department of Defense Manpower Data Center

Results as of : Jan-05-2015 06:48:28 AM

SCRA 3.0



Status Report Pursuant to Servicemembers Civil Relief Act

Last Name: LOPEZFirst Name: MONICA

Middle Name:

Active Duty Status As Of: Jan-05-2015

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavelly-Dixon, Director
Department of Defense - Manpower Data Center
4800 Mark Center Drive, Suite 04E25
Arlington, VA 22350

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Certificate ID: P1D2D408T10D910